

**SUBSTITUTE FOR
SENATE BILL NO. 30**

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding section 16277.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 16277. (1) A LICENSEE OR REGISTRANT WHO PROVIDES TO A
2 PATIENT NONEMERGENCY HEALTH CARE THAT THE LICENSEE OR REGISTRANT
3 IS LICENSED OR REGISTERED UNDER THIS ARTICLE TO PROVIDE, AND WHO
4 RECEIVES NO COMPENSATION FOR PROVIDING THE NONEMERGENCY HEALTH
5 CARE, IS NOT LIABLE IN A CIVIL ACTION FOR DAMAGES FOR ACTS OR
6 OMISSIONS IN PROVIDING THE NONEMERGENCY HEALTH CARE, UNLESS THE
7 ACTS OR OMISSIONS WERE THE RESULT OF GROSS NEGLIGENCE OR WILLFUL
8 AND WANTON MISCONDUCT OR WERE INTENDED TO INJURE THE PATIENT.
9 (2) THE LIMITATION ON LIABILITY PROVIDED UNDER SUBSECTION
10 (1) APPLIES ONLY IF THE NONEMERGENCY HEALTH CARE IS PROVIDED

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1 INSIDE THE PREMISES OF OR AS A RESULT OF A REFERRAL FROM EITHER
2 OF THE FOLLOWING:

3 (A) A HEALTH FACILITY ORGANIZED FOR THE SOLE PURPOSE OF
4 DELIVERING NONEMERGENCY HEALTH CARE WITHOUT RECEIVING
5 COMPENSATION.

6 (B) AN ENTITY THAT IS NOT A HEALTH FACILITY AND THAT PRO-
7 VIDES NONEMERGENCY HEALTH CARE TO UNINSURED OR UNDER-INSURED
8 INDIVIDUALS THROUGH THE VOLUNTARY SERVICES OF LICENSEES OR REGIS-
9 TRANTS WHO RECEIVE NO COMPENSATION FOR PROVIDING THE NONEMERGENCY
10 HEALTH CARE.

11 (3) BEFORE A LICENSEE OR REGISTRANT PROVIDES A PATIENT WITH
12 HEALTH CARE DESCRIBED IN SUBSECTION (1), THE LICENSEE OR REGIS-
13 TRANT SHALL PROVIDE THE PATIENT WITH A WRITTEN DISCLOSURE THAT
14 DESCRIBES THE LIMITATION OF LIABILITY CONTAINED IN SUBSECTION (1)
15 AND THAT STATES THAT THE HEALTH CARE IS FREE AND COMPENSATION FOR
16 THE HEALTH CARE WILL NOT BE REQUESTED FROM ANY SOURCE.

17 (4) A HEALTH FACILITY, OTHER THAN A HEALTH FACILITY
18 DESCRIBED IN SUBSECTION (2), THAT PROVIDES FINANCIAL, IN-KIND, OR
19 OTHER SUPPORT TO A HEALTH FACILITY OR OTHER ENTITY DESCRIBED IN
20 SUBSECTION (2) IS NOT LIABLE IN A CIVIL ACTION FOR DAMAGES BASED
21 ON NONEMERGENCY HEALTH CARE PROVIDED BY THE HEALTH FACILITY OR
22 ENTITY DESCRIBED IN SUBSECTION (2).

23 (5) AS USED IN THIS SECTION:

24 (A) "COMPENSATION" MEANS RECEIPT OF PAYMENT FROM ANY SOURCE,
25 INCLUDING, BUT NOT LIMITED TO, RECEIPT OF PAYMENT OR EXPECTED
26 RECEIPT OF PAYMENT DIRECTLY FROM A PATIENT, FROM A PATIENT'S
27 PARENT, GUARDIAN, OR SPOUSE, OR FROM A PUBLIC OR PRIVATE HEALTH

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1 CARE PAYMENT OR BENEFITS PLAN ON BEHALF OF THE PATIENT, OR
2 INDIRECTLY IN THE FORM OF WAGES, SALARY, OR OTHER VALUABLE CON-
3 sideration UNDER AN EMPLOYMENT OR SERVICE AGREEMENT.
4 (B) "HEALTH FACILITY" MEANS A HEALTH FACILITY OR AGENCY
5 LICENSED UNDER ARTICLE 17.